

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA

v.

LESLIE PATRICIA RIVERA
aka Leslie Patrica Rivera-Henriquez
aka Leslie Patricia Henriquez-Sarrios

and

MIGUEL ANGEL MEDINA

Case No. MJ-22- / -M-KLD

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Seth C. Justesen, being first duly sworn, hereby depose and state as follows:

Introduction

1. I have been employed as a Border Patrol Agent (BPA) and a Border Patrol Agent-Programs (BPA-P) with the United States Border Patrol for over seven years. I am assigned to the Spokane Sector Prosecutions Unit, as a Border Patrol Agent – Programs (BPA-P) in Spokane, Washington. In that capacity, I am authorized by the Secretary of the United States Department of Homeland Security (DHS) to enforce the laws pertaining to the Immigration and Nationality Act.

2. I make this affidavit in support of a criminal complaint because there is probable cause to believe that two individuals –LESLIE PATRICIA RIVERA

and MIGUEL ANGEL MEDINA – conspired to transport, and did transport, six illegal aliens, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(I).

3. The information contained in this affidavit is based on my personal observation, training and experience, investigation of this matter, review of physical files, reports, and information contained in electronic databases, and information obtained from other law enforcement officers and witnesses involved in this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts I believe are necessary to establish probable cause to believe that above-named individuals committed the crimes described herein.

Facts Supporting Probable Cause

4. On or about January 19, 2022, at approximately 5:02 am, Border Patrol Agent (BPA) Nathan Albertson, was notified telephonically by U.S. Border Patrol (USBP) Spokane Sector Dispatch of an activation of electronic surveillance equipment in the border area near the Green Basin area of the West Kootenai in Rexford, MT. The dispatcher notified BPA Albertson of the potential attempt to illegally enter the United States by unknown persons crossing the international boundary from Canada. This area is not designated as a port-of- entry, nor a legal point of entry into the United States from Canada.

5. As BPA Albertson was enroute to the West Kootenai in his marked patrol vehicle, USBP Spokane Sector Dispatch contacted him telephonically, several times, to convey additional pertinent information collected from the electronic surveillance equipment in the border area. Dispatch stated a group of unknown individuals, possibly between 6 to 9 persons, were attempting to cross the international boundary between Canada and the United States on foot. It was noted that 3 or 4 of the individuals might be females or teenagers.

6. At approximately 5:45 am, while approaching the Dodge Creek Road/West Kootenai Road and the Forest Service Development Road intersection, BPA Albertson met a small, crossover style SUV with Washington plates. The roads in the West Kootenai were very icy and when it was safe to do so, BPA Albertson turned around to follow and observe the vehicle. Due to the icy road conditions, BPA Albertson was unable to safely get close enough to read the license plate clearly. While going through the Sullivan Creek curve, BPA Albertson observed what appeared to be several heads moving within the vehicle. Early morning traffic in the West Kootenai typically comprises of local vehicles with typically one or two occupants. BPA Albertson stated that based on his experience patrolling the area it was unusual to see an out of state vehicle with multiple occupants that early in the morning mid-week. Additionally, BPA Albertson stated that while it difficult to discern, it appeared that the inside back

window was somewhat foggy, meaning that warm people had recently entered a cooler vehicle.

7. BPA Albertson activated his emergency lights and attempted to stop the vehicle near the Lower Sullivan Creek Road and the Forest Service Development Road intersection. The driver eventually yielded and pulled over between the Lower Sullivan Creek Road and Boulder Creek Road on the Forest Service Development Road. As BPA Albertson walked up to the vehicle, he confirmed the rear, driver side windows were fogged up with condensation.

8. BPA Albertson approached the vehicle and immediately identified himself as a United States Border Patrol Agent. BPA Albertson asked the driver where she was coming from to which she stated, "New York". BPA Albertson asked the driver where she was born to which she stated, "Honduras" and then stated that she was a legal permanent resident of the United States and handed BPA Albertson her Legal Permanent Resident card. BPA Albertson questioned the front passenger who responded that he was a Legal Permanent Resident as well but had left his card in Seattle, Washington.

9. After speaking with the driver and front passenger, BPA Albertson asked the driver to roll down the rear passenger window so he could speak to the occupants in the back. There were six occupants in the rear two seats leaned back with their eyes closed. BPA Albertson first spoke in English and then in Spanish to

the occupants in the back asking them to wake up. The six occupants in the back sat up at which time BPA Albertson asked them where they were from to which they responded, "Mexico". The occupants in the back then handed BPA Albertson six Mexican Passports.

10. While BPA Albertson was attempting to speak with the passengers in the back regarding when they came into the United States and where, the driver kept speaking in a low voice that BPA Albertson could not understand. The driver also attempted to answer for the individuals. At approximately 6:05 am, Border Patrol Agent (BPA) S. Berg arrived on scene. BPA Albertson then escorted the driver to his marked vehicle and advised her she was not under arrest at that time but was being detained while BPA Albertson investigated. BPA Berg then placed the front passenger in his marked vehicle. BPA Albertson returned to the vehicle and asked the six occupants in the rear of the vehicle if they were in the United States illegally. One of the male subjects responded, "Yes" and the other five nodded in agreement.

11. All subjects were placed in marked units and transported to the Eureka, Montana, Border Patrol station for processing and fingerprints. A search of law enforcement databases revealed the driver of the Kia Sorento to be that of Leslie Patricia Rivera (Legal Permanent Resident) and the front passenger to be that of Miguel Angel Medina (possible Temporary Protected Status Honduran

National) and the passengers in the rear of the vehicle as Arlaeth Gomez-Calvel (Mexican National), Nereida Cynthia Jose-Santiago (Mexican National), Imelda Berenice Luis-Lopez (Mexican National), Daniel Ricardez-De La Rosa (Mexican National), Ezequiel Valencia-Vasquez (Mexican National) and Libertad Vasquez-Cruz (Mexican National).

12. In all, eight suspects were transported to the Eureka Border Patrol Station for processing. The six illegal aliens were read their *Miranda* rights, waived those rights, and provided sworn statements.

a. Alien #1 claimed to have paid \$1,300 USD to be smuggled into the United States. Alien #1 knew a vehicle was going to be picking her up and referred to the driver as “Brownie”.

b. Alien #2 claimed to have paid \$4,000 USD to be smuggled into the United States and owed another \$5,000 when she arrived in North Carolina. Alien #2 stated that the vehicle arrived with two people in it. Alien #2 identified the driver and passenger with physical traits and clothing.

c. Alien #3 claimed to have paid \$180 USD to be smuggled into the United States and was planning on working off the remainder, though she didn’t know how much that would be. Alien #3 claimed to not know anything about the driver and passenger.

d. Alien #4 claimed to have paid \$20,000 Pasos (approximately \$975 USD) to be smuggled into the United States. Alien #4 identified the driver and passenger with physical traits and clothing.

e. Alien #5 did not give any information on payment only information on travel from Mexico to Canada and details on the location of the stay in Canada.

f. Alien #6 claimed to have paid \$150,000 Pesos (approximately \$7,324 USD) to be smuggled into the United States. Alien #6 identified the driver and passenger with physical traits and clothing.

13. Leslie Patricia Rivera was read her *Miranda* rights, waived those rights, and gave a sworn statement. She admitted to being in the United States legally as a legal permanent resident and knowingly transporting illegal aliens for compensation on this occasion. She admitted she was instructed to travel from Seattle, Washington to Eureka, Montana to a specific location that was entered into her phone GPS and pick up four people. She also identified Miguel Angel Medina as being involved in the scheme. Medina was paid \$1,000 USD by Leslie Patricia Rivera to accompany her in this event.

Conclusion

14. Based on the information above, I have probable cause to believe that Leslie Patricia Rivera and Miguel Angel Medina conspired to transport and did

transport illegal aliens, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(I). I therefore respectfully request that a warrant issue to arrest and detain those individuals.

Respectfully submitted this 21st day of January, 2022.

/s/ Seth C. Justesen
SETH C. JUSTESEN
Border Patrol Agent-Programs
United States Border Patrol

SUBSCRIBED AND SWORN TO before me this 21st day of January, 2022.

Kathleen L. DeSoto
HON. Kathleen L. DeSoto
United States Magistrate Judge